

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Se.H. ET AL

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v. BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY, ET AL.

Civil No. – JFM-14-558

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MEMORANDUM

This case has been remanded to me by the United States Court of Appeals for the Fourth Circuit for the purpose of allowing me “to clarify the reasoning underlying its disposition of Appellants’ Section 504 and ADA discrimination, reasonable accommodation retaliation, and FAPE claims.”¹

The parties agree that the scope of the ADA claims and Section 504 claims are coterminous. It is necessary that I determine that AACPS reasonably accommodated Se.H’s disability and that Se.H was afforded “meaningful access” to AACPS’s programs. I find that the IDEA FAPE adopted by the AACPS was a reasonable accommodation and provided Se.H with meaningful access to AACPS’s programs. Although AACPS did not provide Se.H with an individual trained in CPR and the Heimlich maneuver to accompanying him throughout the school day, it did decrease the possibility of a exposure to food allergens at breakfast and lunch time and, if Se.H were to choke on his food or to go into respiratory arrest, to call 911 and have trained staff perform the Heimlich maneuver or CPR.

¹ After remand Se.H’s parents filed a motion for evidentiary hearing. That motion is denied. I am satisfied that I can resolve the issues on the existing record.

Date: 8/8/16


J. Frederick Motz
United States District Judge

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DISTRICT OF MARYLAND
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